

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

Charles Lee Thornton, Plaintiff,

Cause No: 4:07CV79-CDP

Vs.

City of Kirkwood, ET. AL., Defendants.

Serve:

Kirkwood: Office of the Mayor, 139 S. Kirkwood Rd., Kirkwood, Mo.
63122. All other Defendants named in the body of this Petition, same
address supra.

AMENDED TO
PETITION FOR PERMANENT INJUNCTION AND VIOLATION
TO CONSTITUTIONAL RIGHTS AND PRIVILEGES.

Plaintiff states:

1. Plaintiff, Charles Lee Thornton is a United States Citizen, 351 Attucks Street, Kirkwood Missouri 63122.
2. Plaintiff, proceed pursuant to Federal Rule of Civil Procedure (FRCP), Rule 9(a) and thereby, sue each Defendant in their official capacities.
3. Plaintiff proceed pursuant to 42 USC Sections 2000a, 2000a-2, 2000a-3 and 42 United States Code, section 1981, 1983 and 1985, US Constitution 1st Amendment.
4. That defendant Mike Swoboda, on May 18, 2006 during Public Hearing, motivated by MALICE instigated to WILLFULLY and

WRONGFULLY, interrupt Plaintiff based solely on the imagined content of Plaintiff's non law breaching speech, forced to stop speaking, handcuffed and forcefully removed from the meeting and charged with Disorderly conduct. Plaintiff followed PROPER PROTOCOL and was called to present by the Mayor in charge.

5. These actions by the City of Kirkwood Official have caused a CHILLING effect on Plaintiff's free speech. The Right to Redress Grievances in addition, Plaintiff's Rights to Life, Liberty and the Pursuit of Happiness, in direct conflict with Plaintiff's US Constitution 1st Amendment Rights And Privileges which should not be violated by the City Official.
6. Plaintiff, Petition this Court for issuance of an Order of Permanent Injunction to deter and or prevent future contrived invasion to Plaintiff's participation in City of Kirkwood Council meetings during public comment session by Defendant; this Petition matter involves Content Speech Based Discrimination. Accordingly, this Court has jurisdiction pursuant to Amendment 1st U.S. Constitution. Venue is proper under Rule 3-2, 07(A)(1) Divisional Venue.
7. That Defendants pursuant to FRCP Rule 19(a) and (c) are herein Joindered in relief by Permanent Injunction and are nonjoinders in

claims they are not mentioned or not otherwise related to the action or act claimed.

8. Plaintiff pursuant to Court order relation to document #18, and of FRCP Rule 26, that exempt from initial disclosure are, evidentiary materials of privileged or protection of trial impeachment and or preparation and on a proceeding ancillary to proceedings in other courts and or reasonable availability and are reasonably calculated to lead to discovery as admissible; and that constitutional claims are admissible at any time, Plaintiff hereof and or herein Petition made such disclosure for subpart (a) of subsection 3 of section 1 Scheduling Plan; and will meet the other subparts as required or applicable or as modified for justice.
9. That Defendant, John Hessel, for Lewis, Rice & Fingersh L.C., City of Kirkwood and Council members present, did on May 18, 2006 during Public Hearing Council meeting, Motivated by MALICE, WILLFULLY advocate and advised to the BANNING and contriving of BANNING Plaintiff from Speaking and or Attending the Kirkwood Council Meetings for Citizen Participation.
10. That Defendant, Mike Swoboda, for the City of Kirkwood and Council members present did on May 18, 2006 during Public Hearing,

motivated by MALICE, WILLFULLY and WRONGFULLY interrupt Plaintiff base solely on imagined content of Plaintiff's non law breaking speech, forced him to stop speaking by having him forcefully removed from the meeting. That action violated Plaintiff's First Amendment United States Constitutional Rights.

11. That Plaintiff proceeding pursuant to 42 USCA 1983, 1985 and 1981, Respectfully request judgment for relief Plaintiff believes he's entitle.
12. That Defendants, Connie Karr, Joe Godi, Art McDonnell, Mike Lynch, Iggy Yuan and Tim Griffin, for and as City of Kirkwood, did Revise the City of Kirkwood City Council Meeting Guidelines For Citizen participation, for WILLFULL CONTROL of the speaker's speech.
13. Defendants:
 - (A) City of Kirkwood, is a Municipality in the Saint Louis County of Missouri, 139 South Kirkwood Rd., Kirkwood Missouri, 63122.
 - (B) That Defendant6 Mike Swoboda, was at all times relevant herein as the Mayor of the City of Kirkwood, in the St. Louis County of Missouri, 139 South Kirkwood Rd., Kirkwood Missouri, 63122.
 - (C) That Defendant Connie Karr, was at all times relevant herein as a Council Member of the City of Kirkwood in the St. Louis County of

Missouri, 139 South Kirkwood Rd., Kirkwood Missouri, 63122.

- (D) That Defendant Joe Godi, was at al times relevant herein as a Council Member ort the City of Kirkwood, in the St. Louis County of Missouri, 139 South Kirkwood Rd., Kirkwood Missouri, 63122.
- (E) That Defendant Art McDonnell, was at all times relevant herein as a Council Member of the City of Kirkwood, in the St. Louis County of Missouri, 139 South Kirkwood Rd., Kirkwood Missouri, 63122.
- (F) That Defendant Mike Lynch, was at all times relevant herein as a Council Member of the City of Kirkwood, in the St. Louis County of Missouri, 139 South Kirkwood Rd., Kirkwood Missouri, 63122.
- (G) That Defendant Iggy Yuan, was at all times relevant herein as a Council Member of the City of Kirkwood, in the St. Louis County of Missouri, 139 South Kirkwood Rd., Kirkwood Missouri, 63122.
- (H) That Defendant Tim Griffin, was at all times relevant herein as a Council Member of the City of Kirkwood, in the St. Louis County of Missouri, 139 South Kirkwood Rd., Kirkwood Missouri, 63122.
- (I) That Defendant Mike Brown, was at all times relevant herein as the Chief Administrator of the City of Kirkwood, in the St. Louis County of Missouri, 139 South Kirkwood Rd., Kirkwood Missouri, 63122.
- (J) That Defendant Jack Plummer, was at all times relevant herein as the

Chief of Police of the City of Kirkwood, in the St. Louis County of Missouri, 139 South Kirkwood Rd., Kirkwood Missouri, 63122.

- (K) That Defendant John Hessel was at all times relevant herein as the City Attorney of the City of Kirkwood, in the St. Louis County of Missouri, 139 South Kirkwood Rd., Kirkwood Missouri, 63122.
- (L) That Defendant Lewis, Rice & Fingersh L.C., was at all time relevant herein as the Law Firm of the City of Kirkwood, in St. Louis County of Missouri, 139 South Kirkwood Rd., Kirkwood Missouri, 63122.
- (M) That Defendant Ken Yost, was at all times relevant herein as the Public Works Director of the City of Kirkwood, in St. Louis County of Missouri, 139 South Kirkwood Rd., Kirkwood Missouri, 63122.

WHEREFORE, Plaintiff pray this Court will inter and grant the issuance of Permanent Injunction to the extent it prevents and or deters Defendants from stopping Constitutional rights to speak at City of Kirkwood Citizen Participation Council Meetings, and Plaintiff prays judgment for Punitive Damages of FIVE MILLION DOLLARS (\$5,000,000.00) and all court cost of suit be against Defendants, jointly and severally, for relief is appropriate in the circumstances as Justice Requires.

Respectfully submitted,

Charles Lee Thornton

Charles Lee Thornton

351 Attucks St.

Kirkwood, Mo. 63122

Date:

VERIFICATION

I, Charles Lee Thornton, Plaintiff in the above-entitled action, being first duly sworn, state that I have read and subscribed to the foregoing complaint, and that the facts set forth therein are true and correct.

Charles Lee Thornton

Charles Lee Thornton

Subscribed and sworn to before me on April 25, 2007

Francene M. Mertens

Signature and title

Notary Public

